
Rules of Department of Labor and Industrial Relations

Division 10—Division of Employment Security Chapter 3—Unemployment Insurance

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**Title 8—DEPARTMENT OF
LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of
Employment Security
Chapter 3—Unemployment Insurance**

8 CSR 10-3.010 Registration and Claims in General

PURPOSE: This rule prescribes registration reporting requirements as conditions precedent to claiming benefits for total unemployment insurance benefits to which 8 CSR 10-3.020, 8 CSR 10-3.040 and the Shared Work provisions of Chapter 288, RSMo do not apply.

(1) A claimant files an initial claim for determination of status as an insured worker by—

(A) Contacting a claims center of the division by telephone and complying with filing procedures as directed by the deputy; or

(B) Communicating in writing a desire to file an initial claim. The claim will be considered filed on the date the written communication is postmarked, or if not postmarked, the date received, provided that the claimant contacts the claims center and complies with filing procedures as directed by the deputy no later than twenty-eight (28) calendar days following the end of the week in which the division receives that written communication; or

(C) Other means as may be prescribed by the director.

(2) If it is determined that the claimant is an insured worker, the benefit year begins with the first day of the week in which the initial claim was filed. For good cause, however, an earlier date may be assigned as the beginning of the benefit year.

(3) A valid claim for benefits, for purposes of section 288.040, RSMo, is one filed with the division in the prescribed manner, which may include electronic methods, properly completed, signed by the claimant if necessary, filed within twenty-eight (28) calendar days after the last day of the most recent week claimed or the last day of the week in which an initial, renewed or reopened claim was filed and for which all reporting requirements have been met.

(4) In order to claim waiting week credit or benefits for a week the claimant must file an otherwise valid claim within twenty-eight (28) calendar days after the end of the week being claimed. The twenty-eight (28)-calendar day period may be extended for good

cause. If good cause is not found, the claimant's claim for that week shall not constitute a valid claim for benefits under section 288.040, RSMo.

(5) If during a benefit year a claimant does not file a claim for benefits, within twenty-eight (28) calendar days after the end of the last week claimed (or the end of the last week in which an initial, renewed or reopened claim was filed), the claimant must file a renewed claim if the claimant has had intervening employment or a reopened claim if the claimant has not. The twenty-eight (28)-calendar day period may be extended for good cause. If good cause is not found, the claimant's claims for benefits for the period from the most recent week claimed (prior to the renewing/reopening of the claim) through the week ending just prior to the renewing or reopening of the claim shall not constitute valid claims for benefits under section 288.040, RSMo.

(6) A benefit week under this rule begins on Sunday and ends on Saturday, except that a claimant who has been filing claims under 8 CSR 10-3.020 or 8 CSR 10-3.040 shall use the same type of weekly period for further claims in the same series.

(7) A week of unemployment beginning in a benefit year shall be treated as having occurred wholly in that benefit year.

(8) A claimant must report to an employment office as defined under section 288.030(16), RSMo, unless the claimant is ill or employed, or for good cause shown.

(9) A claimant shall be held ineligible to receive benefits if the claimant fails to comply with this regulation and will remain ineligible until the noncompliance has ceased.

(10) For the purpose of 8 CSR 10-3, good cause shall be only those circumstances which are beyond the reasonable control of the claimant and then only if the claimant acts as soon as practical.

AUTHORITY: sections 288.040, 288.070 and 288.220.5, RSMo Supp. 1997. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Aug. 1, 1957, effective Aug. 29, 1957. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed Aug. 31, 1990, effective Dec. 31, 1990. Emergency amendment filed July 15, 1994, effective July 25, 1994, expired Nov. 21, 1994. Emergency amendment filed Nov. 8, 1994, effective Nov. 22, 1994, expired March*

21, 1995. Amended: Filed Oct. 3, 1994, effective Feb. 26, 1995. Amended: Filed Sept. 9, 1998, effective March 30, 1999.

**Original authority: 288.040, RSMo 1951, amended 1957, 1965, 1967, 1969, 1972, 1975, 1977, 1978, 1982, 1984, 1987, 1988, 1991, 1993, 1995, 1997; 288.070, RSMo 1951, amended 1957, 1972, 1974, 1979, 1984, 1988, 1993, 1996; and 288.220.5, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.*

8 CSR 10-3.020 Registration and Claims of Certain Workers Who Become Totally Unemployed Because of a Mass Layoff Due to a Temporary Cessation of Work

PURPOSE: This rule prescribes registration and reporting requirements as conditions to claiming benefits during a mass layoff due to temporary cessation of work. This rule provides for claim week corresponding to employer payroll week and furnishing of certain forms by the employer for use in claiming benefits under the previous conditions. This rule implements sections 288.030, 288.040, 288.070 and 288.130, RSMo.

(1) An employer who has submitted a written application to the division in a form acceptable to the division for approval, filed all reports required to be filed under Chapter 288, RSMo and these rules for all past and current periods, and has paid all contributions due for all past and current periods, may provide the division form Notice of Partial or Temporary Total Unemployment to workers when—

(A) Because of a lack of work, the employer has laid off five (5) or more workers at or about the same time for a period not expected to exceed eight (8) consecutive weeks, or for a longer period if approved in writing by the division director or his/her designee; or

(B) The employer has provided a worker at least eight (8) hours less than full-time work due to a lack of work during the week.

(2) A claimant's week of unemployment for the purpose of this rule shall consist of the payroll week used by his/her employer. The term payroll week shall be deemed to refer to the seven (7) consecutive calendar-day period used by an employer who pays wages on a weekly or biweekly basis and to a calendar week (commencing on Sunday and ending on Saturday) where the employer pays wages on any other basis.

(3) Any individual who has made claims under this rule shall appear in person at any employment office at any time as directed by the division. Failure to appear as directed without good cause shall result in the



claimant being held ineligible for those weeks prior to his/her reporting.

(4) Any worker who is entitled to receive the division's form Notice of Partial or Temporary Total Unemployment, as provided in section (1), but who is not given that form, may file a claim in person at any office of the division. Provided s/he files the claim within twenty-eight (28) days following the end of his/her week of unemployment, the worker shall be considered to have also filed an initial or renewed claim effective the first day of the week for which s/he was entitled to receive, but was not given, the division's form Notice of Partial or Temporary Total Unemployment.

AUTHORITY: sections 288.030, 288.040, 288.070, 288.130 and 288.220.5, RSMo 1994.* Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Aug. 1, 1957, effective Aug. 29, 1957. Amended: Filed April 17, 1958, effective April 27, 1958. Amended: Filed Sept. 10, 1959, effective Sept. 20, 1959. Amended: Filed Feb. 20, 1964, effective March 1, 1964. Amended: Filed Nov. 18, 1966, effective Nov. 28, 1966. Amended: Filed Jan. 15, 1971, effective Jan. 25, 1971. Amended: Filed Aug. 30, 1974, effective Sept. 9, 1974. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed July 7, 1982, effective Oct. 11, 1982. Amended: Filed July 17, 1985, effective Nov. 11, 1985. Amended: Filed Oct. 23, 1987, effective Jan. 14, 1988. Amended: Filed Aug. 31, 1990, effective Dec. 31, 1990.

*Original authority: 288.030, RSMo 1951, amended 1957, 1959, 1965, 1972, 1974, 1975, 1977, 1979, 1984, 1986, 1987, 1988; 288.040, RSMo 1951, amended 1957, 1965, 1967, 1969, 1972, 1975, 1977, 1978, 1982, 1984, 1987, 1988, 1991, 1993; 288.070, RSMo 1951, amended 1957, 1972, 1974, 1979, 1984, 1988, 1993; 288.130, RSMo 1951, amended 1988; and 288.220.5, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971.

8 CSR 10-3.030 Registration and Claims of Certain Unemployed Workers Who Remain Attached to Their Regular Employer (Rescinded December 31, 1990)

AUTHORITY: section 288.220, RSMo 1986. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effectively July 1, 1951. Amended: Filed Aug. 1, 1957, effective Aug. 29, 1957. Amended: Filed April 17, 1958, effective April 27, 1958. Amended: Filed Sept. 18, 1961, effective Sept. 28, 1961. Amended: Filed Oct. 1, 1956, effective Oct. 11, 1965. Amended: Filed Nov. 18, 1966, effective Nov.

28, 1966. Amended: Filed Jan. 5, 1968, effective Jan. 15, 1968. Amended: Filed Jan. 15, 1971, effective Jan. 15, 1971. Amended: Filed Jan. 16, 1974, effective Jan. 26, 1974. Amended: Filed Aug. 30, 1974, effective Sept. 10, 1974. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed June 10, 1977, effective Sept. 15, 1977. Amended: Filed July 7, 1982, effective Oct. 11, 1982. Rescinded: Filed Aug. 31, 1990, effective Dec. 31, 1990.

8 CSR 10-3.040 Interstate Claims

PURPOSE: This rule provides for cooperation with other states in the taking of interstate claims under the Interstate Benefit Payment Plan. This rule implements section 288.340, RSMo.

(1) Definitions. As used in this rule, unless the context clearly requires otherwise—

(A) Agent state means any state in which an individual files a claim for benefits against another state;

(B) Benefits means the compensation payable to an individual with respect to his/her unemployment under the unemployment insurance law of any state;

(C) Interstate Benefit Payment Plan means the plan approved by the Interstate Conference of Employment Security Agencies under which benefits shall be payable to unemployed individuals absent from the state(s) in which benefit credits have been accumulated;

(D) Interstate claimant means an individual who files a claim for benefits pursuant to the unemployment insurance law of a liable state through or from an agent state and continues to claim benefits while absent from the liable state. Interstate claimant does not include an individual who maintains a residence in the agent state and who customarily commutes to work in a liable state unless the Division of Employment Security finds that this exclusion would create undue hardships;

(E) Liable state means any state against which an individual files, through or from another state, a claim for benefits; and

(F) Week of unemployment includes any week of unemployment as defined in the law of the liable state from which benefits with respect to that week are claimed.

(2) Registration for Work.

(A) Each interstate claimant shall register for work through any public employment office in the agent state in the same manner as an intrastate claimant in the agent state. This registration shall be accepted as meeting the registration requirements of the liable

state, unless the liable state instructs the claimant to do otherwise.

(B) Each agent state shall duly report to the liable state in question whether each interstate claimant has been instructed to register for work with the public employment service.

(3) Benefit Rights of Interstate Claimants.

(A) If a claimant files a claim against any state and it is determined by that state that the claimant has available benefit credits in that state, then claims shall be filed only against that state as long as benefit credits are available in that state. After that, the claimant may file claims against any other state in which there are available benefit credits.

(B) For the purpose of this rule, benefit credits shall be deemed to be unavailable whenever benefits have been—

- 1. Exhausted;
- 2. Terminated;
- 3. Postponed for an indefinite period and the individual has not subsequently satisfied the qualifying requirements;
- 4. Postponed for the entire period in which benefits would otherwise be payable; or
- 5. Affected by the application of a seasonal restriction.

(4) Claim for Benefits. Claims for benefits or waiting period filed by an interstate claimant shall be in accordance with procedures developed pursuant to the Interstate Benefit Payment Plan and to the liable state's rules governing claims for benefits and reporting.

(5) Providing Assistance to Interstate Claimants.

(A) Each agent state, upon request by an interstate claimant, shall assist the individual with the understanding and filing of necessary notices and documents.

(B) The liable state shall provide interstate claimants with access to information concerning the status of their claims throughout the normal business day.

(6) Eligibility Review Program. The liable state shall provide eligibility reviews for claimants pursuant to the Interstate Benefit Payment Plan.

(7) Determination of Claims. The agent state, in connection with each claim filed by an interstate claimant through the agent state, shall ascertain and report to the liable state in question those facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.

(8) Extension of Interstate Benefit Payments to Include Claims Taken In and For Canada. This rule shall apply in all its provisions to claims taken in and for Canada.

AUTHORITY: section 288.220, RSMo Supp. 1997.* This rule was previously known as regulation no. 4. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed June 5, 1953, effective July 15, 1953. Amended: Filed Nov. 9, 1954, effective Nov. 19, 1954. Amended: Filed Oct. 1, 1965, effective Oct. 13, 1965. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed Aug. 31, 1990, effective Dec. 31, 1990. Amended: Filed Sept. 9, 1998, effective March 30, 1999.

*Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.

8 CSR 10-3.050 Benefits Reduced by Other Remuneration

PURPOSE: This rule provides for reporting and defines methods of reducing benefits based on claimant's receipt of remuneration other than wages. This rule implements section 288.040, RSMo.

(1) Any remuneration in the form of compensation for temporary partial disability and any pension paid in whole or in part from funds furnished by an employing unit, to the extent that the pension is provided from funds not provided by the claimant, which is claimed, awarded or received, shall be reported by the claimant upon making claim for unemployment benefits.

(2) The weekly equivalent of any monthly payment shall be twenty-three percent (23%) of the amount of the monthly payment or forty-six percent (46%) of the amount of any semimonthly payment.

(3) Whenever the claimant is otherwise eligible, no unemployment benefits shall be denied or reduced for any week of unemployment ending prior to the date of his/her receipt of the final decision allowing any payment which the claimant is required by this rule to report to the division.

AUTHORITY: section 288.220, RSMo 1994.* This rule was previously known as regulation no. 5. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Aug. 1, 1957, effective Aug. 29, 1957. Amended: Filed Oct. 1, 1965, effective Oct.

13, 1965. Amended: Filed Oct. 17, 1967, effective Oct. 27, 1967. Amended: Filed Sept. 30, 1969, effective Oct. 10, 1969. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Emergency amendment filed July 12, 1984, effective Aug. 13, 1984, expired Dec. 10, 1984. Amended: Filed July 12, 1984, effective Oct. 11, 1984. Amended: Filed Aug. 31, 1990, effective Dec. 31, 1990.

*Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971.

8 CSR 10-3.060 Benefits Due Deceased Claimants

PURPOSE: This rule identifies the person to receive benefits due a deceased claimant and sets out the method of payment. This rule implements section 288.060, RSMo.

(1) If benefits are due a deceased person, those benefits shall be paid to the person(s) who has been issued letters testamentary or of administration pursuant to an application filed within thirty (30) days after the claimant's death.

(2) In the event that no application for letters testamentary or of administration has been filed within thirty (30) days after the claimant's death, the benefits which were due the claimant shall be paid to the decedent's surviving spouse, if any; or, if no spouse survives the decedent and s/he is survived by an unmarried minor child(ren), then the benefits, at the discretion of the director, shall be paid to—

(A) The guardian(s) of the unmarried minor child(ren) for the benefit of the child(ren);

(B) Any person or institution who or which the director finds shall have assumed the obligation of the providing support for or maintenance of the minor child(ren);

(C) Any person who the director finds has furnished to the child(ren) necessities of a value equaling or exceeding the amount of benefits; or

(D) Any person who the director finds has paid expenses of the claimant's last illness or his/her burial expenses in an amount equaling or exceeding the amount of benefits.

(3) The treasurer shall cause any unredeemed check(s) payable to a deceased person to be surrendered and voided and, in lieu of the unredeemed check, shall issue a new check(s) bearing the same dates and numbers and made payable to the person(s) entitled under the provisions of this rule. The issuance of the new check(s) shall fully discharge the division of its obligation in respect to the

claims covered by the claimant and no other person shall claim or assert any right in respect to the claim.

(4) Any person claiming entitlement to the payment of benefits under this rule shall present the claim in writing within sixty (60) days after the death of the claimant and shall offer proof in a form as the division may require; provided, however, that the director, upon good cause shown, may extend the time for presentation of the claim.

(5) In the event no claim is made for the payment of these benefits within the time limit previously specified or any extension of a time limit, the benefits shall not be paid, but shall remain in the unemployment compensation fund.

AUTHORITY: section 288.220, RSMo 1994.* This rule was previously known as regulation no. 6. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Aug. 1, 1957, effective Aug. 29, 1957. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975.

*Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971.

8 CSR 10-3.070 Notices to Workers Concerning Unemployment Benefits

PURPOSE: This rule prescribes the method of notice to workers of coverage under the law. This rule implements section 288.130, RSMo.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Each employer subject to the Missouri Employment Security Law shall post and maintain the division's placard, Notice to Workers Concerning Unemployment Benefits, in a sufficient number of places on his/her premises to assure that this notice will be reasonably visible to all workers.

(2) Each employer shall similarly post any other notices required by the division.

(3) Each employer for whom services are performed by individuals who may not reasonably be expected to see posted notices



shall notify each such worker in writing of the substance of the information on any notice.

(4) Each employer shall give to each of his/her workers who is separated from his/her employment a copy of the booklet, *Information for Workers*, about employment security in Missouri.

AUTHORITY: section 288.220, RSMo 1994. This rule was previously known as regulation no. 13. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975.*

**Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971.*

8 CSR 10-3.080 Charging of Benefits Paid to Individuals Employed by Two or More Employers
(Rescinded December 31, 1990)

AUTHORITY: section 288.220, RSMo 1986. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Nov. 9, 1954, effective Nov. 19, 1954. Amended: Filed April 21, 1967, effective May 1, 1967. Amended: Filed Sept. 10, 1968, effective Sept. 20, 1968. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Rescinded: Filed Aug. 31, 1990, effective Dec. 31, 1990.

8 CSR 10-3.090 Combining Wage Credits of Multistate Claimants

PURPOSE: This rule prescribes the method for handling the combining of claimant's wages earned in more than one state for benefit purposes. This rule implements section 288.340, RSMo. This rule was previously known as regulation no. 21.

Claims for benefits requiring the combining of wage credits in two (2) or more states shall be filed and processed in accordance with procedures and instructions set out in the United States Department of Labor's Employment and Training (ET) Handbook No. 399.

AUTHORITY: section 288.220, RSMo Supp. 1997. This rule was previously known as regulation no. 21. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Nov. 9, 1954, effective Nov. 19, 1954. Amended: Filed Jan. 15, 1971, effective Jan. 25, 1971. Amended: Filed Nov.*

21, 1975, effective Dec. 1, 1975. Amended: Filed Dec. 5, 1978, effective March 11, 1979. Amended: Filed Sept. 9, 1998, effective March 30, 1999.

**Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.*

8 CSR 10-3.100 Predetermination Interview and Initial Determination

PURPOSE: This rule provides for predetermination interview in matters involving new and renewed claims and sets forth conditions and procedure for these interviews. This rule implements section 288.070, RSMo.

(1) The provisions of this rule will apply to any initial or renewed claim.

(2) The deputy shall provide for an interview of each claimant prior to making a determination. If an interested employer or interested employing unit desires to be present at this interview, the interested employer or employing unit shall request of the division's claims center the date and time of the interview. The employer or employing unit shall provide the division's claims center with a telephone number where the employer may be contacted at the time scheduled for the interview.

(3) The deputy shall give, either orally or in writing, the interested employer or interested employing unit, the date and time of the interview.

(4) Unless the deputy, for good cause, determines otherwise, interviews shall be held by telephone at a claims center of the division. Any interview may be adjourned, postponed or continued from time-to-time or place-to-place at the discretion of the deputy.

(5) In the event an interested employer or employing unit is present at the claimant interview, after the statement of the claimant, the interested employer or employing unit shall give its statement and each party after that shall have an opportunity to make a rebuttal statement of fact. The deputy shall conduct the interview in the manner in which s/he believes will best develop all of the pertinent facts with respect to the issues and the rules of evidence shall not apply.

AUTHORITY: section 288.220, RSMo Supp. 1997. This rule was previously known as rule no. 24. Original rule filed July 29, 1974, effective Aug. 8, 1974. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended:*

Filed Sept. 9, 1998, effective March 30, 1999.

**Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.*

8 CSR 10-3.110 Filing of Claims Protests by Facsimile Transmission

PURPOSE: This rule establishes the manner in which the division will accept facsimile transmitted claims protests.

Facsimile transmissions (fax) of claims protests as provided for in section 288.070.1, RSMo that are received by an office of the division on a regular workday will be considered as filed on that day. A fax transmission received on a Saturday, Sunday or legal holiday will be considered as filed on the next regular division workday. Date and time of receipt will be determined by the division's receiving office's facsimile machine. Persons making fax transmissions must retain their receipt with the original copy for reference by the division if so requested.

AUTHORITY: section 288.220.5, RSMo 1994. This rule was previously filed as 8 CSR 10-2.040(1)(A). Original rule filed Nov. 16, 1992, effective June 7, 1993.*

**Original authority: 288.220.5, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971.*

8 CSR 10-3.120 Requirement to Report for and Participate in Reemployment Services in Connection with a Worker Profiling System

(Rescinded December 30, 1995)

AUTHORITY: section 288.220.5, RSMo 1994. Emergency rule filed Oct. 19, 1994, effective Nov. 20, 1994, expired March 19, 1995. Original rule filed Oct. 19, 1994, effective March 30, 1995. Rescinded: Filed July 17, 1995, effective Dec. 30, 1995.